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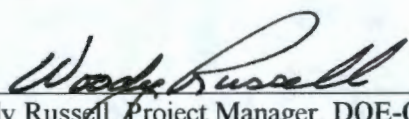
Meeting Minutes – Approval

M-026 LDR Report Project Manager Meeting Minutes
For
2420 Stevens Building, Conference Room 153
Richland, Washington
Meeting Held January 9, 2002
From 9:00 AM to 12:00 PM


The undersigned indicate by their signatures that these meeting minutes reflect the actual occurrences of the above dated meeting.


Greg Sinton, Project Manager, DOE-RL

Date: 1/22/02


Woody Russell, Project Manager, DOE-ORP

Date: 1/22/02

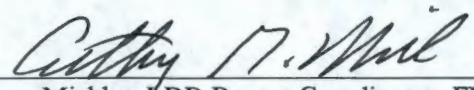

Laura Ruud, Project Manager, Washington State Department of Ecology

Date: 1/22/02

Contractor Concurrence

Richard Gurske, LDR Report Project Manager, FH

Date: 22 Jan 02


Anthony Miskho, LDR Report Coordinator, FH

Date: 1/22/02

Purpose: Discuss TPA Project Manager dispute of the CY2000 LDR Report
The attached minutes are comprised of the following:
Attachment 1 - Meeting Agenda
Attachment 2 - Attendance List
Attachment 3 - Action Items
Attachment 4 - DOE Handout

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ADMINISTRATIVE RECORD: M-026 LDR Report [Care of EDMC, LMSI (H6-08)]

Please send comments on distribution list to Eileen Murphy-Fitch (376-8868).

Attachment 1

**M-026 LDR Report Project Manager Meeting Minutes
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Meeting Agenda

1. DOE's Response to Ecology's expectations*
2. Commitment Tracking
3. Milestones vs. commitments
4. Within year changes
5. LDR Report Change process
6. Future use identification for materials in PMWT
7. Options for closing CY2000 Report

* Discussed at the meeting.

Attachment 2

**M-026 LDR Report Project Manager Meeting Minutes
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Attendance List

Name	Organization
D. Bartus	EPA
R. H. Gurske	FH
J. B. Hebdon	DOE-RL
A. P. Larsen	DOE-RL
M. F. Jarvis	DOE-RL
A. G. Miskho	FH
P. A. Powell	CHG
J. E. Rasmussen	DOE-ORP
C. R. Richins	DOE-RL
W. Russell	DOE-ORP
L. E. Ruud	Ecology
G. H. Sanders	DOE-RL
G. L. Sinton	DOE-RL
R. R. Skinnarland	Ecology
H. T. Tilden	PNNL
R. W. Wilson	Ecology
D. M. Yasek	BHI

Attachment 3

**M-026 LDR Report Project Manager Meeting Minutes
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Summary of Commitments/Agreements

Action Item #	Responsible Party	Description	Date Closed
1	Ecology (Ruud)	Ecology to discuss dispute extension with Attorneys General office	1/9/2002
2	DOE (Sinton)	DOE to provide response to Ecology expectations	1/9/2002
3*	DOE/Ecology	Discuss with respective legal counsels options for closing out the CY2000 report.	
4*	DOE/Ecology	Small group to be formed and to finalize expectations**	

**New* = action item assigned at this meeting

****Small Group Members include:**

Laura Ruud
Bob Wilson
Greg Sinton
Mary Jarvis
Woody Russell
Tony Miskho
Pam Powell
Harold Tilden
Donna Yasek

Attachment 4

**M-026 LDR Report Project Manager Meeting Minutes
For**

2420 Stevens Building, Conference Room 153

Richland, Washington

Meeting Held January 9, 2002

From 9:00 AM to 12:00 PM

DOE Handout

(7 pages excluding cover page)

Dispute Resolution – LDR CY 2000

Note: Ecology's Expectations for LDR Reporting provided 12/12/01 are in bold text. The DOE redline strike-out version is bold text with the redline-strikeout. The normal text is DOE commentary. Expectation 7 is an exception to this format in that there is no red-line strike-out. DOE comments are in red immediately following each section of expectation 7.

1. **Short-term commitments (within the three-year planning cycle) will either be incorporated into the LDR Report as enforceable TPA milestones or as schedules within the LDR Report. Project managers have authority to adjust these short-term commitments through the primary document modification provisions in the TPA.**
 - a. DOE expectations for LDR reporting: Same as above. Providing dates within the PMWT is interpreted to be providing "schedules" in the language of the expectation.
 - b. Redline-strikeout of Ecology Expectation: None needed.
2. **Longer-term commitments (beyond the three-year planning cycle) will be incorporated into the TPA as milestones. This will include both milestones to establish commitments to negotiate as well as milestones to establish a path forward for treatment, storage, and disposal of mixed waste.**
 - a. DOE expectations for LDR reporting: Same as above. Commitments can be aggregated to reduce the number of milestones.
 - b. Redline-strikeout of Ecology Expectation: None
 - c. What does this mean? Discuss at meeting with Ecology to make sure the expectation really is the same and there is a common understanding of implementation.
3. **DOE shall propose TPA milestones for the characterization (for storage, LDR treatment, and disposal) of all mixed waste where treatment and disposal cannot be accomplished within one year of generation. Milestones shall reflect the known or reasonably anticipated risks of the waste and current location, as well as overall strategic plans and priorities for the site.**
 - a. DOE expectations for LDR reporting: Overall the DOE intent is that all mixed waste management activities either meet regulatory requirements and/or be covered by a permit, and/or lacking one of the first two items, have a TPA milestone that addresses that stream to provide TPA coverage. In general this coverage has been provided at the treatability group level or

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b. higher (e.g. treating 7795 cubic meters of mixed LLW covers multiple treatability groups).

c. Redline-strikeout of Ecology Expectation:

DOE shall may propose TPA milestones for the characterization (for storage, LDR treatment, and disposal) of all mixed waste in storage where treatment and disposal cannot be accomplished within one year of generation. Alternatively characterization can be rolled up as part of treatment milestones since characterization is needed prior to treatment. Milestones shall reflect the known or reasonably anticipated risks of the waste and current location, as well as overall strategic plans and priorities for the site.

4. Designation of "Potential Mixed Waste" ("stuff") with regard to solid and/or dangerous waste criteria will occur as soon as reasonably achievable and in accordance with site wide strategic planning agreements, and will address "stuff" that is believed or suspected of posing a significant human threat. A reasonable future use must be identified for material with the potential to be solid waste (column E of the Potential Mixed Waste Table).

a. DOE expectation *: Probably the same. This should be discussed with Ecology to confirm a common interpretation. Areas for possible differing interpretation include "as soon as reasonably achievable" and the last sentence. Ecology may consider "As soon as reasonably achievable" to be based primarily on how long it would physically take to plan and accomplish, where DOE would emphasize the "in accordance with site-wide strategic planning" part and probably delay less important activities if the risk posed by delay is low compared to other priorities. There is also agreement that reasonable future use for items called "material" is needed, however the term "identified" may be interpreted by Ecology to mean that the identified use should be specified *in the PMW table*, rather than the DOE interpretation that that use needs to be identified (as in known) in order to put an item in Column E of the table as a material. The redline strike-out below attempts to include clarifying and editorial changes to address these areas of possible differing interpretations.

b. Redline-strikeout of Ecology expectation:

Designation of "Potential Mixed Waste" ("stuff") with regard to solid and/or dangerous waste criteria will occur as soon as reasonably achievable and in accordance with site wide strategic planning agreements, and will address "stuff" that is believed or suspected of posing a significant human threat. A reasonable future use must be identified-known for material with the potential to be solid waste in order for that material to be included in column E of the Potential Mixed Waste Table:(column E of the Potential Mixed

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~~Waste Table).~~ Specification of the reasonable future use(s) of particular items in column E should be available upon request.

5. Where characterization results provide a basis for designation of "stuff" as solid waste, or solid wastes as mixed wastes, DOE shall propose milestones for compliant storage where such wastes are not currently located in compliant locations under final or interim status standards, and for treatment and disposal of those wastes, including any additional characterization.

- a. DOE expectation: In the scenario described above, items designated as mixed waste would generally be moved from the PMWT to the main body of the LDR report. Appropriate schedules and/or milestones could then be proposed or included in the report as appropriate in accordance with the M-26-01 requirements for the LDR report. IF mixed waste was not currently in appropriate storage for mixed waste, storage milestones *could* be proposed, but a more likely approach would be movement to compliant storage as it is generated. Designation as solid waste alone might not lead down either of these paths at all as it could be LLW or in some cases possibly even non-radioactive solid waste and handled accordingly.

- b. Redline-strikeout of Ecology expectation:

~~Where characterization results provide a basis for~~ in designation of "stuff" ~~as solid waste, or solid wastes as mixed wastes, DOE shall propose milestones for compliant storage where such wastes are not currently located in compliant locations under final or interim status standards, or the mixed waste can be managed in accordance with the regulations as it is generated. and for treatment and disposal of those wastes, including any additional characterization.~~ Schedules and milestones for this mixed waste would then be addressed in accordance with the M-26-01 requirements for the LDR report.

6. If characterization results provide a defensible basis that "stuff" is not a solid waste, or is a solid waste that does not designate as a mixed waste, then the "stuff" may be removed from further consideration under the LDR report.

- a. DOE expectation: Same as Ecology

- b. Redline-strikeout of Ecology expectation: N/A

7. In establishing TPA milestones, it is anticipated that multiple waste streams or "stuff" may be addressed under a single TPA milestone or milestone series. DOE may satisfy this requirement in the LDR report as follows: OK

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- a. For mixed waste and "stuff" that are covered by existing milestones, the LDR report will identify those milestones. OK
- b. For mixed waste and stuff not covered by existing milestones and for which DOE proposes to negotiate a path forward during the year following the current LDR reporting period, the LDR report will contain a commitment to negotiate for specific waste streams. The commitment will include a date by which DOE will submit a draft change package identifying major and interim TPA milestones for treatment, storage, and disposal of the stream, which will be the starting point of negotiations; and how the Treatment Plan elements of "Requirements for Hanford LDR Plan" and/or corresponding requirements of the FFCA, will be addressed.

OK.

- c. For mixed waste and "stuff" not covered by existing milestones and for which the start of characterization, treatment, and/or disposal is to be deferred beyond a period of one year from the LDR reporting date, DOE shall, at a minimum propose a TPA milestone to negotiate a path forward for that stream. In addition, DOE shall propose a second TPA milestone to submit a plan to fill data gaps, if any, necessary to support path forward negotiations. All milestone proposals shall be in the form of signed TPA change request forms. To support the proposed TPA milestones, DOE shall provide: The dates described above were for the "stuff" table contents only. Milestones could be grouped (i.e. there would not be a specific milestone for each item). Much of the language below may have been agreed to on a conceptual basis for how proposed milestones would be justified (i.e. why is it OK to wait X years for certain streams)

- i. An evaluation of the storage conditions and supporting rationale demonstrating that continued storage is adequately protective of human health and the environment. This was discussed but exactly if and how this was to be done was not established. This portion of the expectation only relates to justification of TPA CR proposals and does not involve the LDR report directly (just the preparation of the CR). Information from the assessments could provide some information (how current management is protective...or not), but much of the information on adequate protection of Human Health and the environment is covered by other required facility documents (e.g. Authorization Basis). These documents are extensive and are not something that DOE would "provide" themselves, but they could be a source of information to support date justification text in a change

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request package. This may be the intent of this language.

- ii. All outstanding data needs, where available or definable, necessary to support negotiations of path forward milestones. DOE shall identify, via a commitment in the LDR report or through a proposed TPA milestone, when they will have a detailed work plan to fill the identified data needs, and will propose a milestone to submit that plan. Such plans for filling data needs are to be submitted as primary documents and will be fully enforceable upon approval. DOE does not share this expectation. The DOE understanding was that, where applicable, two dates would be provided: 1) a date for preparing/having a plan to address data gaps (e.g. determining if it is MW, quantity, path forward and other info needed to make negotiations productive) 2) a date for starting negotiations with the regulators on the path forward. These requirements were included in the PMWT instructions that were reviewed by Ecology in the QA checks. DOE does not share the expectation that the data gap plans would be primary documents, though it is likely that they could be in some instances. It may be helpful to have more discussions concerning the expectations for the data gap plans to make sure there is a common understanding.
- iii. Integrating factors, such as the need to develop treatment technologies or capacities, coordination with key waste treatment or disposal facilities (such as WIPP), or key strategic plans (such as transition), affecting waste generation or management. The DOE expectation would be that this information would be supplied, if applicable, as part of the change request justification to show how proposed dates linked to other related activities.
 - a. DOE expectation: See comments in red after the various sections of the Ecology expectation text above.
 - b. Redline-strikeout of Ecology expectation: See comments in red after the various sections of the Ecology expectation above.
 - c. Notes (comments, problems, changes, implementation difficulties): Development of a change request of this nature requires extensive internal negotiations and input from throughout RL

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and ORP with a need for high level management involvement that is difficult to achieve during the brief time available during the report preparation period. Subsequently, extensive discussions with Ecology would probably be required. Possibly the TPA CR process needs to be decoupled from the report submittal so it proceeds on whatever schedule is needed and then the outcome of the TPA negotiations is put in the LDR report and implemented. The outcome that would go in the report would be whatever the TPA status is at the time of the datacall. This could be a point of discussion with Ecology.

8. **The three parties have agreed to a procedure for storage assessments for any location where "stuff" is currently located, as well as for permitted units or units operating under interim status standards. For permitted units or units operating under interim status standards, there is the expectation that the location will meet all RCRA TSD storage requirements. For locations containing "stuff," the evaluation will identify where regulatory requirements are not met and what precautions are being made to ensure that the threat to human health and the environment is minimized. This information will be used to create schedules and/or milestones for compliance with characterization, storage, and/or treatment requirements, as needed.**

- a. DOE expectation: Same as Ecology, however the "evaluation" is not necessarily part of the assessment. The assessment would probably not necessarily identify precautions to minimize threats to human health and the environment. The evaluation is accomplished based on overall program/facility management which would consider results of the assessments, but also the rest of the authorization basis, to determine if precautions to safely maintain the "stuff" were adequate.

- b. Redline-strikeout of Ecology expectation:

The three parties have agreed to a procedure for storage assessments for any location where "stuff" is currently located, as well as for permitted units or units operating under interim status standards. For permitted units or units operating under interim status standards, there is the expectation that the location will meet all RCRA TSD storage requirements. For locations containing "stuff," the assessment evaluation will identify where regulatory requirements are not met. This assessment information can then be used as part of the continuing process of evaluating whether current practices are adequate and what precautions are being made to ensure that the threat to human health and the environment is minimized. This information will be

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**used to create schedules and/or milestones for compliance with
characterization, storage, and/or treatment requirements, as needed.**

- 9. The LDR Report shall identify DOE storage assessments planned for the next three years.**
 - a. DOE expectation: The same as the Ecology Expectation.
 - b. Redline-strikeout of Ecology expectation: N/A